

LOCAL LAW NO. 13-1973
CHAUTAUQUA COUNTY

A Local Law Providing a County Charter for the County of Chautauqua

BE IT ENACTED, by the Board of Legislators of the County of Chautauqua, as follows:

SECTION 1.

Article 1

GOVERNMENT OF CHAUTAUQUA COUNTY

Sections

- 1.00 Title
- 1.01 Purpose
- 1.02 Continued Status and Power
- 1.03 Effect on State Laws
- 1.04 Existing Legislation Continued

Section 1.00 *Title*. This Charter together with any subsequent amendments hereto shall constitute the form of government for the County of Chautauqua and shall be known and may be cited as the Chautauqua County Charter.

Section 1.01 *Purpose*. Among the purposes of this Charter are: the accomplishment of greater efficiency, economy and responsibility in county government; the securing of all possible county home rule; and, the establishment of an executive and legislative branch of county government and the separation of functions, powers, and duties.

Section 1.02 *Continued Status and Powers*. The County of Chautauqua shall continue to be a municipal corporation and shall have all the powers and perform all the duties now or hereafter conferred or imposed upon it by this Charter or applicable law, together with all rights, privileges, functions and powers necessarily implied or incidental thereto.

Section 1.03 *Effect on State Laws*. Any State Law which is inconsistent with this Charter shall be superseded by the provision hereof to the extent of its inconsistency, except where supersession is restricted by State Law.

Section 1.04 *Existing Legislation Continued*. Except to the extent to which they may be inconsistent with the provision of the Charter, all existing laws, resolutions, rules and regulations heretofore adopted, shall continue in force and effect until amended, superseded or repealed.

Article 2

COUNTY LEGISLATURE

Sections:

- 2.00 County Legislature
- 2.01 Changes in Districts
- 2.02 Terms of Office; Qualifications
- 2.03 Vacancies
- 2.04 Organization
- 2.05 Powers and Duties
- 2.06 Submission of Enactments for Executive Approval
- 2.07 Reconsideration

Section 2.00 *County Legislature*. The legislative powers of the County shall be vested in an elective body which shall be known as the County Legislature, composed of members elected as the County Legislature may determine.

Section 2.01 *Changes in Districts*. The County Legislature shall, within six (6) months after the publications of the results of each regular federal census, appoint a bi-partisan committee or commission to evaluate the existing county legislative districts. Such committee or commission shall study the population data and, within three (3) months after appointment, make recommendations, if necessary, in the form of a proposed local law as to changes in the boundaries of county legislative districts to be effective at the end of the then terms of office of incumbent county legislators.

Section 2.02 *Terms of Office; Qualifications*. The terms of office of County Legislators shall be two (2) years and shall begin on the first day of January following their election. Each member of the County Legislature shall, at the time of his nomination and election and throughout his term of office, be and remain a qualified elector of the district from which he is elected. No County Legislators shall hold at the same time any other elected public office.

Section 2.03 *Vacancies*. A vacancy in the County Legislature shall be filled by the County Legislature within thirty (30) days of the time when such vacancy occurs. The appointee shall serve until the commencement of the political year next succeeding the first general election after the happening of the vacancy at which a successor may be elected, and the vacancy shall be filled at such election for the unexpired term. Any person appointed to fill a vacancy shall be a member of the same political party as the person who vacated the office and shall be nominated by the district committee of said party. In the event the person vacating the office was elected with no part affiliation, the County Legislature may appoint any qualified elector who resides in the district where the vacancy exists.

Section 2.04 *Organization*. On January first of each year or within eight days thereafter, the County Legislature shall meet and organize by electing from among its members a chairman and such other officials as are deemed required.

Section 2.05 *Powers and Duties*. Except as otherwise provided in this Charter, the County Legislature shall have and exercise all such powers and duties conferred on County Legislatures in the State of New York by applicable law, and all powers necessarily incidental thereto.

In addition to any other powers conferred upon the County Legislature by this Charter and by any other applicable law the County Legislature shall have, but not by a way of limitation, the following powers and duties:

- a) To adopt by resolution all necessary rules and regulations for its conduct and procedures by majority of the whole number of its membership.
- b) To make appropriations, incur indebtedness, adopt and budget, and levy taxes.
- c) To exercise all powers of local legislation in relation to enacting, amending or rescinding local laws, charter laws, legalizing acts or resolutions.
- d) To adopt, amend and repeal by local law an administrative code which shall set forth the details of administration of the county government in harmony with the provisions of this Charter and which may contain revisions, simplifications, consolidations, codifications, and restatements or special laws, local laws, resolution, rules and regulations consistent with this Charter or amendments thereto.
- e) To create, alter, combine or abolish units not headed by the County Executive.
- f) To fix the compensation of all officers and employees paid from county funds.
- g) To make or cause to be made such studies, audits and investigations as it deems to be in the best interest of the County, and in connection therewith to obtain professional and technical advice, appoint temporary advisory boards of citizens, subpoena witnesses, administer oaths and require the production of books, papers and other evidence deemed necessary or material to such study, audit or investigation.

Section 2.06 *Submission of Enactments for Executive Approval.* Every local law and legislative resolution adopted by the County Legislature, except resolution establishing rules and regulations or other matters pertaining solely to the conduct of its own procedures, shall be submitted within five (5) days after passage, to the County Executive for his approval.

Section 2.07 *Reconsideration.* After resubmission to the County Legislature of a vetoed enactment together with the veto message, at its next following regular or special meeting such message, at its next following regular or special meeting such message shall be entered in its journal. Within thirty (30) days after such receipt and entry, the County Legislature may reconsider such vetoed enactment and pass the same over the objections thereto by a favorable vote of at least two-thirds of the whole number of its members on a roll-call vote.

Article 3 COUNTY EXECUTIVE

Sections:

- 3.00 County Executive
- 3.01 Election and Qualifications
- 3.02 Powers and Duties
- 3.03 Executive Approval

- 3.04 Acting County Executive
- 3.05 Vacancy in the Office
- 3.06 Administrative Assistant

Section 3.00 *County Executive* The Executive power of the County shall be vested in a County Executive, who shall be responsible for the proper administration of all County affairs placed in his charge by law or under any of the provisions of this Charter.

Section 3.01 *Election and Qualifications.* The County Executive shall be elected from the county at large and, at the time of his nomination and election and throughout his term of office, be and remain a qualified elector of Chautauqua County. His term of office shall begin with the first day of January following his election and shall be for four (4) years except that the County Executive first elected after this Charter becomes effective shall serve for a term of three (3) years. Every County Executive elected thereafter shall have a term of four (4) years. The County Executive shall devote this whole time to the duties of his office and shall hold no other elected public office.

Section 3.02 *Powers and Duties.* The County Executive shall be responsible for the administration of all county affairs. In addition to any other powers and duties provided by this Charter he shall:

- a) Be the chief executive officer and administrative head of the county government.
- b) Appoint, subject to confirmation by majority vote of the County Legislature, and to serve during his pleasure, heads of all county departments and administrative units not administered by an elected official, except as otherwise provided by law or in this Charter.
- c) Exercise supervision and control of all administrative departments, officers, and agencies, the heads of which he appoints, and shall prescribe the internal organization and reorganization of such departments, offices, and agencies.
- d) Secure proper accounting for all funds, oversees the physical property of the county, exercise general supervision over all county institutions and agencies, and coordinate the various activities of the county and unify the management of its affairs.
- e) Execute and enforce all local laws and resolutions of the County Legislature and see that all laws required to be enforced through the County Legislature or other county officers subject to its control are faithfully executed.
- f) Be responsible for the preparation and submission to the County Legislature of the annual budget, and capital program and to execute the same in accordance with the resolution and appropriations made by the County Legislature. For this purpose, he shall have the power to obtain estimates of revenue and expenditures from all department heads.

- g) Be responsible for keeping the County Legislature fully advised as to the financial condition and needs of the county and file with the County Legislature an annual report of the financial affairs of the county.
- h) Make, sign, execute, and implement all contracts on behalf of the county, within the amounts authorized by the County Legislature, except that a contract for; 1) the sale, purchase or transfer of real property, 2) the erection, alteration or demolition of a building or other structure, or 3) the provision of facilities or the rendering of services by or for any other government must be approved by the County Legislature.
- i) Appoint, subject to confirmation by the County Legislature, the county historian, civil defense director, fire coordinator, and all other county officers, except as provided in this Charter.
- j) Be responsible for the negotiation of all employee contracts.
- k) Perform such other duties and have such other powers as may be prescribed for him by law, administrative code or resolution.
- l) In addition to the powers set forth in this Charter, have and be responsible for the exercise of all executive and administrative powers in relation to any and all functions of county government not otherwise specified in this Charter.
- m) Have all necessary and incidental powers to perform and exercise any of the duties and functions lawfully delegated to him.

Section 3.03 *Executive Approval*. Within ten (10) days after receipt of a local law or resolution as passed by the County Legislature, the County Executive shall approve or veto the same.

- a) *APPROVAL*. If the local law or legislative resolution is approved by the County Executive he shall endorse the original document and return it to the Clerk of the County Legislature within such ten (10) days.
- b) *VETO*. If the local law or legislative resolution is vetoed by the County Executive he shall so indicate in writing setting forth his objections thereto and within ten (10) days after receipt thereof return the original document to the Clerk of the County Legislature, with this veto message attached. In the case of adoption of the annual budget, the Chief Executive shall have power to veto specific items, which the County Legislature may have changed from the original budget proposal submitted by the County Executive, without vetoing the entire budget.

Section 3.04 *Acting County Executive*. The County Executive shall designate, within thirty (30) days of assuming office, subject to confirmation by the County Legislature, and appointive officer of the Executive Branch to be known as the Acting County Executive to perform the duties of such Executive during his absence from the county or his inability to act for any reason. Such designation shall be made in writing and filed with the Clerk of the County Legislature, and may be changed by the County Executive at any time by a new designation,

confirmed by the County Legislature and filed with said Clerk. In the event that no Acting County Executive has been so designated or that he is unable to serve during an absence or disability of the County Executive, the County Legislature shall designate such Acting Executive.

Section 3.05 *Vacancy in the Office* If a vacancy occurs in the office of County Executive, his successor shall be chosen at the next general election scheduled not less than sixty (60) days after such vacancy occurs.

Section 3.06 *Administrative Assistant*. The County Executive shall have the power to appoint, and at the pleasure remove, and Administrative Assistant, who shall assist the County Executive in the execution of his duties and in the administration of the affairs of the county for which the County Executive is responsible.

Article 4 DEPARTMENT OF LAW

Sections

4.00 Department of Law

4.01 Powers and Duties

Section 4.00 *Department of Law*. There shall be a Department of Law, under the direction of the County Attorney, appointed by the County Executive and subject to confirmation by the County Legislature. The County Attorney shall be a resident of Chautauqua County at the time of his appointment and serve at the pleasure of the County Executive and shall have the power to appoint such deputies, assistants, and employees of his department as may be necessary to implement the duties of his office as outlined in Section 4.01, and as shall be authorized by the County Executive.

Section 4.01 *Powers and Duties*. Except as otherwise provided in this Charter, all legal resources of county government shall be centered in the Department of Law, which shall constitute a pool of legal talent, responsible for providing to the County Legislature and the various departments of county government legal services and advice of any nature. The County Attorney shall supervise the Law Library.

Article 5 DEPARTMENT OF PUBLIC WORKS

Sections

5.00 Department of Public Works

5.01 Powers and Duties

Section 5.00 *Department of Public Works* There shall be a Department of Public Works under the direction of a Director, appointed by the County Executive and subject to confirmation by the County Legislature. The Director shall serve at the pleasure of the County Executive and shall have the power to appoint such deputies, assistants, and employees of his department as

may be necessary to implement the duties of his office as outlined in Section 5.01, and as shall be authorized by the County Executive.

Section 5.01 *Powers and Duties*. Except as otherwise provided in this Charter, the Director shall:

- a) Have all the powers and duties of a county engineer and county superintendent of highways pursuant to the highway law, town law or other applicable law.
- b) Have charge and supervision of the design, construction, improvement, maintenance, repair, cleaning and lighting of all highways, roads, streets, bridges, and grade separation structures, drains and drainage structures under jurisdiction of the County.
- c) Have charge and supervision of the construction, operation, and alterations of county buildings, parking area, airports, drives, walks, docks, marinas, parks, preserves and such other structures and facilities in the nature of public works under the jurisdiction of the county.
- d) Have charge and supervision of the maintenance, repair, and custodial care of all county buildings, facilities and equipment, as may be assigned to him by the County Executive.
- e) Have such powers and duties in relation to county facilities for drainage, sanitation, sewerage, water supply and other conservation-related activities as may be prescribed in this Charter, administrative code or other applicable law.

Article 6 DEPARTMENT OF CENTRAL SERVICES

Sections

6.00 Department of Central Services

6.01 Powers and Duties

Section 6.00 *Department of Central Services*. There shall be a Department of Central Services under the direction of the Director, appointed by the County Executive and subject to confirmation by the County Legislature. The Director shall serve at the pleasure of the County Executive and shall have the power to appoint such deputies, assistants and employees of his department as may be necessary to implement the duties of his office as outlined in Section 6.01, and as shall be authorized by the County Executive.

Section 6.01 *Powers and Duties*. Except as otherwise provided in this Charter, the Director shall:

- a) Make all purchases of equipment, materials and supplies required for any county purpose and contract for the rental and for servicing of equipment for all county departments in accordance with requirements established by law or by the County Legislature.

- b) Prepare or approve the preparation of suitable specifications or standards for all materials, supplies and equipment to be purchased, and inspect or cause to be inspected all deliveries to determine their compliance with such specifications and standards.
- c) Be responsible for the proper maintenance of all inventories of equipment, materials, and supplies, and for such purpose shall supervise the recording-keeping and operation of any storing and warehousing facilities of the County.
- d) Have authority to transfer or reassign equipment, materials and supplies between offices, departments and agencies of the county, upon approval of the County Executive.
- e) Operate and maintain facilities for providing such services as mimeographing, duplicating, printing, mailing or data processing as may be authorized by the County Executive or the County Legislature.

Article 7 DEPARTMENT OF SOCIAL SERVICES

Sections

7.00 Department of Social Services 7.01 Powers and Duties

Section 7.00 *Department of Social Services.* There shall be a Department of Social Services under the direction of a Commissioner, appointed by the County Executive and subject to confirmation by the County Legislature. The Commissioner shall have the power to appoint such deputies, assistants, and employees of his department as may be necessary to implement the duties of his offices as outlined in the following section, and as shall be authorized by the County Executive, except as otherwise provided for by State Law.

Section 7.01 *Powers and Duties.* The Commissioner of Social Services shall perform the duties prescribed by laws in the administration of welfare assistance. He shall perform such additional and related duties as may be prescribed by law and directed by the County Executive.

Article 8 DEPARTMENT OF HEALTH SERVICES

Sections

8.00 Department of Health Services 8.01 Powers and Duties 8.02 Department Organization

Section 8.00 *Department of Health Services.* There shall be a Department of Health Services under the direction of a Director of Health Services, appointed by the County executive

and subject to confirmation by the County Legislature. The Director shall serve at the pleasure of the County Executive and shall have the power to appoint such assistants, and employees of his department as may be necessary to implement the duties of his office as outlined in the following section, and as shall be authorized by the County Executive, except as otherwise provided for by State Law. The Director of Health Services may also serve as the Director of an internal division.

Section 8.01 *Powers and Duties.* The Director of Health Services shall be responsible for the administration of mental health and public health services prescribed by applicable law.

Section 8.02 *Department Organization.* Internal divisions of the department shall include:

- a) *Division of Public Health.* The Commissioner of Public Health shall be appointed by the Director of Health Services, upon recommendation by the Public Health Board and confirmation of the County Legislature. He shall perform the duties prescribed by law in the administration of public health services. He shall perform such additional and related duties as may be prescribed by laws and directed by the Director of Health Services. The Commissioner shall be licensed to practice medicine in New York State.
- b) *Division of Mental Health.* The Commissioner of Mental Health shall be appointed by the Director of Health Services, upon recommendation by the Mental Health Board and confirmation of the County Legislature. He shall perform the duties prescribed by law in the administration of mental health services. He shall perform such additional and related duties as may be prescribed by law and directed by the Director of Health Services. The Commissioner shall be licensed to practice psychiatric medicine in New York State.

Article 9 DEPARTMENT OF FINANCE

Sections

9.00 Department of Finance

9.01 Powers and Duties

9.02 Financial Procedures and Adoption of County Budget

Section 9.00 *Department of Finance.* There shall be a Department of Finance under the direction of a Director, appointed by the County Executive and subject to confirmation by the County Legislature. The Director shall serve at the pleasure of the County Executive and shall have the power to appoint such deputies, assistants and employees of his department as may be necessary to implement the duties of his office, and as shall be authorized by the County Executive.

Section 9.01 *Powers and Duties.* Except as otherwise provided in this Charter or applicable law the Director shall:

- a) Have charge of the administration of all the financial affairs of the County.

- b) Assist the County Executive in the preparation and execution of the county budget and capital program.
- c) Collect, receive, have custody of, deposit and disburse all fees, revenues and other funds of the County.
- d) Perform all duties of a county treasurer relating to the collection of taxes.
- e) Maintain records of Real Property taxes.
- f) Borrow money in the name of the county as authorized by the County Legislature.
- g) Submit an Annual Report as required by the New York State Department of Audit and Control to that department and to the County Legislature on or before the first day of March of each year.
- h) Have all of the powers and perform all of the duties conferred or imposed by law upon a County Treasurer except as otherwise provided in this Charter.
- i) Maintain the books of account of the county in the manner prescribed by the New York State Department of Audit and Control.
- j) Prescribe approved methods and forms for financial accounting and record keeping for all county offices and administrative agencies.

Section 9.02 *Financial Procedure and Adoption of the County Budget.* Except as otherwise specified in this Charter, the provisions of applicable law in respect to financial procedures and adoption of the County budget shall apply.

Article 10 DEPARTMENT OF PLANNING AND DEVELOPMENT

Sections

10.00 Department of Planning and Development 10.01 Powers and Duties

Section 10.00 *Department of Planning and Development.* There shall be a Department of Planning and Development under the direction of a Director, appointed by the County Executive and subject to confirmation by the County Legislature. The Director shall serve at the pleasure of the County Executive and shall have the power to appoint such deputies, assistants and employees of his department as may be necessary to implement the duties of his office, and as shall be authorized by the County Executive.

Section 10.01 *Powers and Duties.* Except as otherwise provided in this Charter the Director shall:

- a) Assist the County Executive in executive planning, including planning for the capital budget and capital improvement program and the preparation of all county plans, and shall supervise the writing of all planning reports.
- b) Make available to cities, towns, and villages in Chautauqua County, at their request, advice and assistance on matters related to the planning function.
- c) Make surveys, analysis and/or reports of county departments as requested by the County Executive.
- d) Perform research concerning county programs with a view to obtaining all financial and technical assistance available through local, state, federal or other revenue sources.
- e) Perform such other and related duties as shall be required or delegated to him by the County Executive.

Article 11 DEPARTMENT OF PERSONNEL

Sections

- 11.00 Department of Personnel
- 11.01 Powers and Duties

Section 11.00 *Department of Personnel*. There shall be a Department of Personnel under the direction of a Director, appointed by the County Executive and subject to confirmation by the County Legislature. The Director shall serve in accordance with State Law and shall have the power to appoint such deputies, assistants and employees of his department as may be necessary to implement the duties of his office, and as shall be authorized by the County Executive.

Section 11.01 *Powers and Duties*. Except as otherwise provided in this Charter the Director shall be responsible for the administration of personnel benefits, assisting in the negotiation of employee contracts, training of personnel, long range staff planning, and all other personnel functions assigned by State Law to the County Civil Service Commission.

Article 12 OTHER COUNTY FUNCTIONS

Sections

- 12.00 Board of Elections; Commissioners
- 12.01 Office of Probation; Director
- 12.02 Office of Veterans Service; Director
- 12.03 County Jury Board; Commissioner of Jurors
- 12.04 Office of Public Defender
- 12.05 Coroner
- 12.06 Other County Boards

Section 12.00 *Board of Elections; Commissioners.* There shall be a Chautauqua County Board of Election constituted according to the State Election Law. The Commissioners of Election shall be appointed by the County Legislature in accordance with the State Election Law, and shall have and exercise all powers and duties now or hereafter conferred or imposed upon them by applicable law.

Section 12.01 *Office of Probation; Director.* There shall be an Office of Probation headed by a Director of Probation appointed in the manner provided by State Law. The Director of Probation shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by applicable law.

Section 12.02 *Office of Veterans Service; Director.* There shall be an Office of Veterans Service headed by a Director appointed in the manner provided by law. The Director of Veterans Service shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by law.

Section 12.03 *County Jury board; Commissioner of Jurors.* There shall be a County Jury Board constituted according to the State Judiciary Law. The County Jury Board shall appoint a Commissioner of Jurors, who shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by law.

Section 12.04 *Office of Public Defender.* There shall be an Office of Public Defender headed by a County Public Defender appointed by the County Legislature in the manner provided by law. He shall have and exercise all the powers and duties now or hereafter conferred or imposed upon him by law.

Section 12.05 *Coroner.* The Office of Coroner in the County of Chautauqua is hereby continued. The County Legislature shall appoint four (4) Coroners to serve as provided by State Law. They shall have and exercise all powers and duties now or hereafter conferred or imposed upon them by applicable law, and be directly responsible to the County Legislature.

Section 12.06 *Other County Boards.* All county boards and commissions required by State Law shall be continued. Other boards and commissions may be continued and/or created as deemed necessary by the County Legislature.

Article 13 ELECTED OFFICERS

Sections

- 13.00 County Clerk
- 13.01 District Attorney
- 13.02 County Sheriff
- 13.03 Comptroller

Section 13.00 *County Clerk* There shall be elected from the county at large a County Clerk. The County Clerk shall be elected for a three (3) year term and, at the time of his election and throughout his term of office, shall be a qualified elector of the county. The County Clerk

shall be the official registrar of the county, and except where inconsistent with this Charter, the County Clerk shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by any applicable law.

Section 13.01 *District Attorney*. There shall be elected from the county at large a District Attorney. The District Attorney shall be elected for a three (3) year term of office and, at the time of his election and throughout his term of office, shall be a qualified elector of the county and shall have been duly admitted to the practice of law in the State of New York. The District Attorney shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by applicable law.

Section 13.02 *County Sheriff*. There shall be elected from the county at large a County Sheriff. The Sheriff shall be elected for a three (3) year term of office and, at the same time of his election and throughout his term of office, shall be a qualified elector of the county. The Sheriff shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by applicable law.

Section 13.03 *Comptroller*. There shall be elected from the county at large a Comptroller. The Comptroller shall be elected for a four (4) year term of office in odd numbered years, but in the alternate election from that in which the County Executive is elected. The first Comptroller shall be elected in the General Election of 1975. The Comptroller, at the time of his election and throughout his term of office, shall be a qualified elector of the county. He may appoint a deputy and such other officers and employees as may be authorized by the County Legislature. The County Comptroller shall:

- a) Be the auditing authority of the county and examine, audit and verify all books, records and accounts kept by the various administrative units, offices, officials paid from county funds, institutions and other agencies of the county, including bond and note registers and trust accounts, and the accrual and collection of all county revenues and receipts and for this purpose have access to all such books, records and accounts at any time.
- b) Procure from the depositories with which the Director of Finance shall have deposited the funds and monies coming into this possession, statements, at least monthly, of all monies deposited by the Director of Finance or paid out pursuant to his order, and reconcile such statements with the county accounts.
- c) Make reports from time to time when requested by the County Executive or the County Legislature on the financial condition of the county.
- d) Submit to the County Legislature an annual report of audit and such periodic reports in such form and detail as may be prescribed by it.
- e) Have the power to investigate and inquire into all matters relating to or affecting the finances of the county and for such purpose and for the purpose of carrying out his powers and duties, shall have the power to require the attendance of and take the testimony under oath of such persons as he may deem necessary.

f) Perform such additional and related duties as the County Legislature may direct.

Article 14 INTERMUNICIPAL RELATIONS

Section

14.00 Local Government Functions, Facilities, and Powers Not Transferred, Altered or Impaired

Section 14.00 *Local Government Functions, Facilities, and Powers Not Transferred, Altered or Impaired.* No function, facility, duty or power of any city, town, village, school district or other district is transferred, altered or impaired by this Charter.

Article 15 GENERAL AND TRANSITIONAL PROVISIONS

Sections

- 15.00 Adoption of Charter; When Effective
- 15.01 Status of Certain County Officers Defined
- 15.02 Civil Service Rights Continued
- 15.03 Charter Clarification
- 15.04 Amendment of Charter
- 15.05 Separability
- 15.06 Charter to be Liberally Construed

Section 15.00 *Adoption of Charter.* This Charter shall, upon approval by referendum in the manner provided by law, become effective as of January 1, 1975. The first County Executive will be elected in November 1974.

Section 15.01 *Status of Certain County Officers Defined.* The elective office of County Treasurer is abolished, effective January 1, 1975. The person holding such office on January 1, 1975, shall become Director of Finance for the remainder of his term, at the conclusion of which the provisions of this Charter relating to the appointment of a Director of Finance shall take effect. Any official appointed for a fixed term prior to the enactment of his Charter shall continue in his office for the balance of the unexpired term. Any officers appointed for a term subsequent to the establishment of this Charter and prior to its effective date shall serve for a term which shall expire December 31, 1974. The provisions of Section 13.03 shall take effect on January 1, 1976. The position of County Auditor shall be abolished on December 31, 1975. The provisions of Section 2.02 shall not take effect until January 1, 1976.

Section 15.02 *Civil Service Rights Continued.* The Civil Service status and rights of all County employees and their beneficiaries, including but not limited to, those with respect to retirement and social security, shall not be affected by this Charter.

Section 15.03 *Charter Clarification.* If any provision of this Charter is not clear or requires elaboration in its application to the County, the County Legislature may interpret such

provision in a Local Law not inconsistent with the provision of the Municipal Home Rule Law. Where any question arises concerning the transition to the Charter which is not provided for herein, the County Legislature may provide for such transition by a Local Law not inconsistent with the provisions of the Municipal Home Rule Law.

Section 15.04 *Amendment of Charter.* This Charter may be amended by a Local Law enacted by a two-thirds affirmative vote of the total membership of the County Legislature, subject to a referendum on petition as provided in the Municipal Home Rule Law.

Section 15.05 *Separability.* If any provisions of this Charter shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the particular provision directly involved in the controversy.

Section 15.06 *Charter to be Liberally Construed.* This Charter shall be liberally construed to achieve its objectives and purpose.

SECTION 2. This Charter shall be submitted to the electors of Chautauqua County in accordance with the provisions of the Municipal Home Rule Law.

SECTION 3. This Local Law shall become effective upon its approval by the affirmative vote of a majority of the qualified electors of the County of Chautauqua voting on a proposition for its approval at the General Election held in November 1973.

Adopted by Legislature: 8/2/73 R/C Vote: 21 Yes; 2 No; 2 Absent (No's: Lepkowski, Meeder)
Public Hearing: 8/2/73
Adopted as General Election: 11/6/73
Adopted as Local Law 13-73